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PLEASE RESPOND TO CHERRY HILL

November 12, 2004

**DOCKET FILE COPY ORIGINAL**

**Via Overnight Mail**

Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

**Re: IN THE MATTER OF REQUEST FOR REVIEW BY RELCOMM, INC. OF  
DECISION OF UNIVERSAL SERVICE ADMINISTRATOR  
CC Docket No. 02-6SLD decision 1022916 and 1023492  
Year Six E-Rate  
Billed entity #123420: Atlantic City Board of Education**

**1. PETITIONER RELCOMM, INC.'S OPPOSITION TO PETITION OF  
MICRO TECHNOLOGY GROUPE, INC. ("MTG") FOR WAIVER OF 47  
C.F.R. § 54.721(d)**

**2. PETITIONER RELCOMM, INC.'S REPLY TO RESPONSE OF MTG**

Dear Sir or Madam:

Please accept this letter as the Petitioner RelComm, Inc.'s ("RelComm"):

- Opposition to Petition of Micro Technology Groupe, Inc. ("MTG") for waiver of 47 C.F.R. § 54.721 (d).
- Reply to MTG's Response pursuant to 47 C.F.R. § 1.45(c) in further support of RelComm's Request for Review.

No. of Copies 1  
List ATTORNEYS

## **A. BACKGROUND**

On August 8, 2004, RelComm filed a Request for Review along with a statement of relevant facts pursuant to 47 C.F.R. § 54.721(b). In particular, RelComm requested that the FCC review:

Whether ACBOE's [and related parties'] acts, omissions and violations of specific SLD regulations and FCC orders in connection with the procurement of funding for Year Six warrant (1) a reversal of the SLD's decision to fund ACBOE's Year Six application, and/or (2) suspension or disbarment of these entities from participation in the E-Rate program.

RelComm's Request for Review is based upon the identical facts alleged in a lawsuit RelComm filed against MTG and others on February 23, 2003 (the "Lawsuit"), nearly a year and a half prior to the Request for Review. A copy of the complaint is attached as Exhibit A to RelComm's August 8, 2004 submission along with the affidavit of Michael Shea, the president of RelComm.<sup>1</sup> Thus, as MTG readily admits in its filing, it knew the factual and legal basis of RelComm's claims over 18 months before the filing of the Request for Review.<sup>2</sup>

RelComm served its Request, by fax and overnight mail, upon MTG's counsel of record in the lawsuit, the law firm of Abrahams, Lowenstein & Bushman, on or about the date it was filed, August 8, 2004. Nevertheless, MTG did not respond to RelComm's Request until November 5, 2004, approximately two and a half months after it was due.

## **B. RELCOMM'S RESPONSE TO MTG'S PETITION FOR WAIVER OF 47 C.F.R. § 54.721(d)**

### **I. MTG's petition for waiver of 47 C.F.R. § 54.721(d) should be denied because MTG has not shown good cause for failing to meet the filing deadline.**

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<sup>1</sup> Although the February 23, 2003 complaint was filed in federal court, it was subsequently removed to state court and, therefore, a copy of the most recent complaint is attached. RelComm's claims in both complaints are essentially the same.

<sup>2</sup> Although MTG is correct that RelComm dismissed its claims in the lawsuit against MTG, **without prejudice**, it did so to avoid a lengthy and expensive fight with MTG before it had full knowledge of MTG's exact role in the fraudulent scheme alleged by RelComm in the Lawsuit. In addition, because most of the schools on which Alemar Consulting and MTG collaborated are located in Pennsylvania, their admissibility in evidence in the lawsuit in New Jersey is in question. RelComm is in the process of completing its discovery in the Lawsuit and is currently evaluating that discovery to determine whether to re-assert its claims against MTG. Much of what RelComm now knows about MTG's involvement in the fraudulent scheme is contained in RelComm's October 22, 2004 response to Atlantic City Board of Education's ("ACBOE") Opposition to RelComm's Request for Review.

As MTG freely admits, it's pleading in opposition to RelComm's Request for Review was filed well beyond the 15 day deadline provided for in 47 C.F.R. § 54.721(d), which would have made MTG's Response due on August 23, 2004. MTG's request for a waiver of that deadline must be denied because it has failed to show that it was legally entitled to such a waiver. Pursuant to 47 C.F.R. § 1.3, the FCC may waive a rule on its own motion or on petition only if good cause is shown. Waiver under 47 C.F.R. § 1.3 is not warranted here because MTG has not shown good cause.

Despite the FCC's power to waive certain rules under 47 C.F.R. § 1.3, the FCC may not do so arbitrarily. See North East Cellular Tel. Co. v. FCC, 897 F.2d 1164, 1167 (D.C. Cir. 1990). Generally, the FCC and courts have recognized that the FCC can waive its rules only when "particular facts would make strict compliance inconsistent with the public interest." New York v. FCC, 267 F.3d 91, 108 (2d Cir. 2001); See also In Re Applications of Hispanic Information and Telecommunications Network, Inc., 18 F.C.C.R. 11465 (2003). In keeping with this standard, the FCC has denied requests for waiver of time deadlines where the applicant blamed its late filing on poor clerical management. See In Re Request for Review of the Decision of the Universal Service Administrator by St. Joseph University Heights, 18 F.C.C.R. 1789 (2003) (FCC denied waiver of 30-day deadline for Request for Review of decision pursuant to 47 C.F.R. § 54.720(b)). Likewise, the FCC has denied waiver where the submission was not timely because a key employee was out of the office due to emergency medical leave. See In Re Request for Review of the Decision of the Universal Service Administrator by St. Lucy School, 18 F.C.C.R. 1792 (2003) (No good cause shown when school states that technology coordinator was unavailable, due to emergency medical leave). The above excuses, which were rejected, are, if anything more worthy of consideration for a waiver than those put forward by MTG.

The lame excuse offered by MTG for its excessively late filing is both laughable and disingenuous. In essence, MTG argues that the law firm that has represented it for the entire history of

this dispute, which has been ongoing for almost two years now, was not authorized by it to accept service of RelComm's Request for Review. Tellingly, MTG does not attempt to argue that it did not receive actual notice of RelComm's Request for Review at the time it was served; it clearly did. In fact, its Opposition has now been filed by the very same law firm that was served with the Request. Even assuming the truth of MTG's assertion, that its law firm was not authorized to accept service of the Request on MTG's behalf, which is, at best, highly suspicious, MTG would be entitled, at most, to an extra day or two to file its Opposition -- not two and a half months.

Moreover, like ACBOE before it, MTG failed to request an extension of time, as provided for under 47 C.F.R. § 1.46 to file its Response late. Instead, MTG blatantly ignored the deadline for responding to RelComm's Request for Review, and now asks, after the fact, for a waiver of that deadline without showing the requisite good cause.

Having failed to (1) file its Response before the applicable deadline; (2) request an extension; or (3) show good cause for a waiver of the 47 C.F.R. § 54.721(d) deadline, MTG's Petition for Waiver must be denied.

### **C. RELCOMM'S REPLY TO RESPONSE OF MTG; RELCOMM'S PETITION FOR REVIEW SHOULD BE GRANTED.**

Because MTG's Response was filed well over two months late, with no reasonable or plausible excuse, it must be rejected without consideration of its merits. If, however, the FCC chooses to allow the late filing of the Response, RelComm hereby replies to it pursuant to 47 C.F.R. §145(c). MTG's Response should be rejected in its entirety on its merits, and RelComm's Request for Review should be granted for the following reasons.

#### **I. MTG's Baseless Attack on RelComm is a Blatant and Desperate Effort to Avoid the Facts.**

MTG's primary response to RelComm's Request consists of a blatant effort to shoot the messenger. Although RelComm disagrees with MTG's unsubstantiated claims about the competency of

the services provided by RelComm to ACBOE, because those issues have no relevancy to the claims raised by RelComm in its Request for Review, RelComm will not dignify MTG's slanderous statements by responding to them. Suffice it to say that MTG has not pointed to one shred of evidence to supports its slanderous comments, nor is MTG in a position to evaluate RelComm's work for ACBOE, because MTG did not work for ACBOE at the time RelComm provided those services. MTG cannot point to any evidence questioning the competency of services provided to ACBOE by RelComm because no such evidence exists, and numerous ACBOE witnesses have already testified to that fact in the Lawsuit.

## **II. MTG's Relationship with Alemar Violates E-Rate Program Rules and FCC Regulations.**

MTG admits in its response that it has received an award from every school district or school every time Alemar conducts the bid for that school or school district. As RelComm pointed out in its Reply to ACBOE's Opposition, MTG has been awarded 31 contracts from the 31 schools or school districts for whom Alemar has conducted bids, so far. Incredibly, MTG is batting 100% when Alemar conducts a bid for a school. Yet, MTG would have this Agency believe that such a result is just a remarkable coincidence, or, even better, a testament to MTG's superior delivery of its services. If MTG's amazing winning streak were, indeed, a testament to its superior competency, query why MTG failed to list a single school from which it had received a contract through Alemar in its list of references provided to ACBOE. The truth, as RelComm intends to show through discovery in the Lawsuit, is that in every instance in which Alemar has conducted a bid for a school or school district, it has requested a "best solution" to unspecified problems, just like it did with the ACBOE Year 6 bid, which is at issue here. That scheme allowed MTG to bid on whatever it wanted and allowed Alemar to assure that MTG was awarded the contract in every instance, with no real competition. That MTG may have received only part of some of the awards at issue is beside the point. MTG and Alemar clearly have an exclusive relationship: Alemar conducts the bids, and MTG receives an automatic contract award -- 100% of the time.

That relationship runs directly counter to E-Rate Program Rules and FCC Regulations, which require that schools have a technology plan, that the equipment and services requested relate directly to the enhancement of that plan and that the vendor(s) selected be chosen based upon their ability to provide services consistent with the technology plan at the lowest cost. Even a cursory review of MTG's winning bid in this case reveals that it violates each of those tenets. First, there is no reference to ACBOE's technology plan in Alemar's "best solution" bid solicitation. MTG's bid, in turn, bears no relation to the ACBOE technology plan in place at the time and, in fact, directly contradicts it in many respects. And, finally, MTG's winning bid (\$3,648,795) is almost three times larger than the next nearest bid (\$1,371,907). See summary of bids prepared by Alemar, attached hereto as **Exhibit A**.

### **III. MTG Had Access to Bid Information to Which No Other Bidder was Given Access.**

MTG can deny all it wants that there was an exclusive walk-through of the facilities to which numerous prospective bidders were not invited, but the facts demonstrate otherwise. For example, MTG argues that another bidder, CompuWorld, participated in the exclusive walk-through, but MTG fails to disclose that CompuWorld does not appear on the sign-in sheet for that walk-through.<sup>3</sup> See Sign-In Sheet attached hereto as **Exhibit B**. Similarly, although Interlink's name appears on the sign-in sheet for the exclusive walk-through, it did not attend the second walk-through, and it did not submit a bid. The other two names on the exclusive walk-through sign-in sheet -- ComTec and Geoffrey Deans -- actually support RelComm's claim that the walk-through was a secret one not open to all bidders. MTG fails to disclose in its papers that ComTec is currently providing services to ACBOE as a sub-contractor to MTG in connection with MTG's Year 6 award.<sup>4</sup> Geoffrey Deans, like MTG, is a regular award winner when Alemar manages a bid for a school or school district, and his relationship with MTG and Alemar is pending discovery.

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<sup>3</sup> MTG also fails to disclose that CompuWorld's bid was disqualified by Alemar for not providing a "best solution."

<sup>4</sup> As RelComm pointed out in its Response to ACBOE's Opposition, ComTec also provided consulting services to ACBOE in Year 6 and participated in the awarding of telecom contract awards, in clear violation of FCC conflict of interest regulations.

What MTG does not address at all in its papers is the undisputed fact that the high school building was toured only in the first, secret walk-through, but not in the second walk-through, and that participants in the second, open walk-through were told explicitly and repeatedly by Alemar's agent, Jon Holt, who conducted the second walk-through, that the high school facility was **not** included in the bid solicitation. MTG, obviously, was told something quite different at the first walk-through, because it was the only bidder that included internal connections for the high school facility in its bid. Because none of the other bidders knew that the high school facility was included in the solicitation, MTG had private knowledge and an unfair advantage in proposing its "best solution."

Of the eight bidders on ACBOE's Year 6 E-rate solicitation, four bidders were disqualified outright by Alemar for bidding on the so-called wrong items, despite that Alemar's bid solicitation called for a "best solution" (eChalk, Teradon, ePlus and Omicron). Two other bidders were disqualified for only addressing the bid specifications (Net2 and CompuWorld). A seventh bidder, RelComm, was disqualified because Alemar considered its bid difficult to understand. That left only MTG which was recommended by Alemar to ACBOE and which received the bid award. See Exhibit B.

**IV. MTG's Award-Winning Bid and Other Evidence Demonstrate that MTG was Given Bid Specifications Not Provided to Other Bidders.**

MTG was also, not coincidentally, the only bidder among the eight that included a PVBX solution in its bid. MTG's comments about the PVBX suffer from two glaring inaccuracies. First, RelComm has never stated nor argued in its papers that a PVBX was not E-ratable. Rather, RelComm argued that a PVBX was not listed on ACBOE's 470, nor was it listed on the bid package given by Alemar to all prospective bidders. For that reason, the PVBX requested by ACBOE should not have been eligible for E-rate funding, and the SLD erred in approving ACBOE's application for funding of that service.

Second, MTG attempts to foist the same false argument on this Agency that was included in ACBOE's Opposition to the Request for Review, e.g., that VOIP with video and video equipment is the

functional equivalent of PVBX. All one needs to do to understand the false and disingenuous nature of this argument is to look at ACBOE's most recent form 470 filed by Alemar for Year 8 of the E-rate program. On that document, a true and correct copy of which is attached hereto as **Exhibit C**, video equipment and PVBX are listed as separate line items under the internal connections request for services. Alemar has, therefore, obviously recognized its earlier error and has attempted to correct it in the Year 8 Form 470.

The fact of the matter is that video equipment, VOIP and PVBX are all different elements of internal connections, they are not functional equivalents, but, rather, they are designed to perform different functions. PVBX is simply a video PBX that is used to distribute video signals over an internal network. See description of Eligible Services, printed from USAC website, attached hereto as **Exhibit D**. It has nothing to do with VOIP, which is a system for using the internet for transmitting voice conversations. See id. Alemar's/ACBOE's Year 6 Form 470 and the bid package submitted to prospective bidders called for quotes on VOIP, not PVBX. See Exhibit F to RelComm's Response to ACBOE's Opposition to RelComm's Request for Review. MTG was the only bidder that included PVBX in its Year 6 ACBOE bid, because MTG was the only bidder that knew that Alemar and ACBOE wanted a PVBX solution included in the bid. In fact, as demonstrated in RelComm's response to ACBOE's Opposition, MTG and Alemar exchanged unlawful e-mail communications about MTG's PVBX proposal after the Year 6 sealed bids had been submitted but before they had been opened and contracts awarded. See Exhibit C to RelComm's Reply to ACBOE's Opposition.

V. **MTG Received Documents to Use in Formulating Its Bid Proposal that No Other Bidder Received.**

Incredibly, MTG has now admitted in its papers, at p. 5, that it received documentation during a walk-through of the high-school facilities that was not open to all bidders, which documentation was not included in the bid packet submitted to all other bidders. MTG has also admitted and acknowledged that



it used those documents in putting together its Year 6 bid. It does not matter, as MTG argues, that RelComm was the author of those documents several years earlier. The fact of the matter is that, not only did RelComm not know that ACBOE was using those documents as a basis for the Year 6 bids, but also, more importantly, none of the other bidders on the project had any idea that those documents even existed, let alone that they formed a part of the basis for the Year 6 bid. The significance of the documents is also evident from a review of MTG's submission. One of those documents, for example, described the PVBX solution that ACBOE and Alemar were seeking. A true and correct copy of that document is attached hereto as **Exhibit E**. The other two documents were network diagrams, see copies, attached hereto as **Exhibit F**, whose significance is best described by MTG itself. MTG states that it "had no knowledge of the kind of network in place, or types of network servers, or even the manner of interconnections on the network." See MTG Response at 6. MTG then admits that the documents that were given exclusively to it during the high school tour "showed the number of servers and ... the manner of interconnections on the network." It is irrelevant whether RelComm knew this information or not, because it is clear that the other unsuccessful bidders on the project did not have access to any of that information.

Making this matter even more curious is the fact that Martin Friedman, the principal of Alemar, testified at his deposition in the Lawsuit that he was present at the walk-through of the high school facility. However, when shown the secret documents given to MTG during that walk-through, he could not identify them and could not say how MTG had received them. The relevant portions of Friedman's deposition are attached hereto as **Exhibit G**. Moreover, in response to the SLD's selective review of the Year 6 bid, Friedman stated, on behalf of ACBOE, that the reason for the "best solution" request was that no documentation of the existing network could be found within the school district. In fact, the

documents given to MTG belie Friedman's sworn statement to the SLD, as do numerous other documents at the school district showing the layout and components of the network.

**VI. MTG, Alemar and ACBOE Cannot Hide Behind the Mantra "Best Solution" as a Means of Defrauding this Agency and the Public.**

MTG's argument regarding its pricing for cabling is yet another example of the disingenuous nature of its submission. MTG would have this Agency believe that its "best solution" bid was a flexible "per drop" bid which would allow the school district to decide exactly how much wiring it wished to accomplish. That argument is a red herring. What MTG conveniently fails to mention, however, is that its own cover letter to the school district accompanying its bid stated quite bluntly that "we are not willing to provide LAN enhancements using the existing wiring in those schools." See **Exhibit H**, attached hereto. Thus, MTG made it quite clear that its proposed wiring solution was an all or nothing proposition. MTG's bid then, in fact, proposed new wiring for every building in the district with the same number of wiring drops as had been installed just a few years earlier by Lucent. MTG also fails to disclose that its wiring subcontractor failed to attend any of the walk-throughs and that neither it nor its wiring subcontractor are licensed to do wiring in New Jersey. Nonetheless, despite these glaring weaknesses, ACBOE, at Alemar's recommendation, selected MTG's bid without modification and adopted its plan to re-wire the entire district at the full cost of MTG's bid. MTG's attempt, therefore, to downplay its grossly excessive bid is unavailing.<sup>5</sup>

**D. CONCLUSION.**

In conclusion, RelComm has presented overwhelming evidence of fraud in which ACBOE, Alemar, MTG and others participated in connection with the Year 6 bid for internal connections. RelComm's Request for Review should be granted, the SLD's decision to fund ACBOE's Year 6

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<sup>5</sup> The excessiveness of MTG's bid is most vividly evidenced by its plan to put 75 wiring drops in the Venice Park school building, which is a two room, eight computer part-time building located in the Atlantic City School District. As with the rest of MTG's proposal, ACBOE accepted it without modification. These actions demonstrate that MTG, Alemar and ACBOE were more interested in maximizing funding than in truly addressing the needs of the schooldistrict.

application should be reversed, and ACBOE, Alemar, MTG and perhaps others should be suspended or disbarred from participation in the E-rate program.

Very truly yours,

**FLASTER/GREENBERG P.C.**

A handwritten signature in black ink, appearing to read "J. P. Kirchner", with a long horizontal flourish extending to the right.

J. Philip Kirchner

JPK/kd

cc: Michael Blee, Esquire (via fax and overnight mail)  
Gino Santori, Esquire (via fax and overnight mail)  
Joseph Lang, Esquire (via fax and overnight mail)  
Deborah Weinstein, Esquire (via fax and overnight mail)  
Ralph Kelly, Esquire (via fax and overnight mail)  
Michael Shea



CompuWorld	\$1,292,230.00	Servers (52 unbranded @ 361,140) LAN electronics (931,090) (Servers: 1/2= 4,895, 3= 8,995)
EChalk	\$211,575.00	Managed email service (103,075) and Managed web publishing & storage (108,500). Except for 24,000 all is cost per year). The District c not bid these services.
ePlus		Bid received after due date. Faxed bids were not acceptable for Internal Connections. District did not accept or open late entries.
MTG	\$3,648,795.00	Servers (49-Compaq 2.4G @ 309,597) , licensing (72,894), Backup (71,305), Cabling (1875 drops plus fiber @ 467,087), LAN electronics (1,203,842), wireless LAN (20- @ 37,570), vpbx (12 units @ 822,168), Design (25,000), Installation/training (116,000), Maintenance (w/wire @ 450,000) - Best solution, most comprehensive and scaleable under eRatable projects. Excellent references (many school districts), experience in multi-platform environments (Mac/Win/UNIX). (Servers: 1=4,284, 2=5,192, 3=5,554) Also submitted separate bids for HS (227,391) and non-eRatable items 86,500).
Net2	\$530,647.84	Servers (24-Equix 2G @ 123,096) , licensing (34,882), NO Cabling, LAN electronics (59,739), Maintenance (206,571), Services (including proj. mgmt, Design, deployment & LAN @ @ 97,360). Solution limited to installation, deployment and maintenance of this hardware. Sor services ineligible under eRate. Project management portion (\$13,200) selected to oversee all Y6 eRate projects. (Servers: 1/2= 5,978, 3 4,411)
Omicron	\$1,371,907.00	Good migration plan to provide more stable and robust technology and efficiency of resources but much of proposal is ineligible under the eRate. (Exchange server migrations, ineligible servers, etc.) (Total bid = 1,358,650 of which 395,000 is eRate ineligible, leaving 963,650 eligible items) Servers (3-DELL @ 13,257), Implementation (485,500), licensing (215,000), Application creation (47,500), LAN electronics (150,650) Cabling mods (66,500), wireless (25,500), LAN management (228,000), Contingency for additional server replacement (90,000). Amount listed is full bid plus servers. (Servers: 1= 3,099, 2= 3,459, 3= 6.699)
RelComm	\$299,728.00	Company placed a separate bid per bldg (11 total including Admin bldg, minus the HS) LAN maintenance @ 120/hr immediate response o 90/hr. with no response time indicated. No block of time offered. States that there is no need for additional servers. Tape backup system (unspecified) 3,000. Wireless LAN (access point @ 167). LAN electronics (one 24-port switch @ 557). Difficult to determine total bid on service in comparison to other vendors as no cost extensions were offered. No plan to improve infrastructure or overall performance of network. Amount posted to the left includes the following amounts (190 hrs @ 120/hr, 2 access points @ 167/ea, 2 switches @ 557/ea = 27,248) for each of the 11 bldgs. References only list AC Board of Education and AC Free Library.
Teradon	\$44,837.00	Media management System. District did not bid this item.

(Servers: 1= DHCP, 2= DNS, 3= Web)









FCC Form

Approval by OMB  
3060-0806**470****Schools and Libraries Universal Service  
Description of Services Requested  
and Certification Form**

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

**Block 1: Applicant Address and Identifications**

Form 470 Application Number: 649780000508240

Applicant's Form Identifier:

Application Status: CERTIFIED

Posting Date: 11/08/2004

Allowable Contract Date: 12/06/2004

Certification Received Date: 11/08/2004

**1. Name of Applicant:**

ATLANTIC CITY BVE-ADMIN

**2. Funding Year:**

07/01/2005 - 06/30/2006

**3. Your Entity Number**

123420

**4a. Applicant's Street Address, P.O.Box, or Route Number**

1300 ATLANTIC AVENUE, 5TH FLOOR

City

ATLANTIC CITY

State

NJ

Zip Code

08401

**b. Telephone number**

(609) 343- 7200

**c. Fax number**

(609) 343- 1413

**d. E-mail Address****5. Type Of Applicant**

- ☐ Individual School (individual public or non-public school)
- ☐ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)
- ☐ Library (including library system, library branch, or library consortium applying as a library)
- ☐ Consortium (intermediate service agencies, states, state networks, special consortia)

**6a. Contact Person's Name: Martin Friedman**

First, fill in every item of the Contact Person's information below that is different from Item 4, above. Then check the box next to the preferred mode of contact. (At least one box MUST be checked.)

**6b. Street Address, P.O.Box, or Route Number**

C 442 Lyndhurst Drive

City  
BroomallState  
PAZip Code  
19008-4146

C 6c. Telephone Number (610) 999- 9935

C 6d. Fax Number (610) 353- 1005

C 6e. E-mail Address [friedman@alemarconsulting.com](mailto:friedman@alemarconsulting.com)**Block 2: Summary Description of Needs or Services Requested****7 This Form 470 describes (check all that apply):**

- a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☒ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

**NOTE:** Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470.

**What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.**

**8 ☒ Telecommunications Services**

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

- a ☒ YES, I have an RFP. It is available on the Web at or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed

**Service or Function:**

TELEPHONE SERVICE (LOCAL and LONG DISTANCE)

ISDN

**Quantity and/or Capacity:**

Approximately 250 copper loop start Pots Lines; 4 Inbound outbound PRI circuits (request info packet)

12 lines

**CELLULAR SERVICES**

Cellular Service for 75 lines with nationwide direct connect ?walkie-talkie? (with imperceptible lag time) and ?page all? features. Good signal across District service range. One year contract with negotiable renewal.

**Wire & Cable Maintenance**

all voice lines

**9 ☒ Internet Access**

*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?*

- a ☒ YES, I have an RFP. It is available on the Web at or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internet Access services. Add additional lines if needed.

**Service or Function:****Quantity and/or Capacity:**

web hosting

unlimited users, unlimited storage capacity, unlimited websites, simple & functional interface, live tech support 7A-7P, seamless integration with existing District site (ask for info packet)

**10 ☒ Internal Connections**

*Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?*

- a ☒ YES, I have an RFP. It is available on the Web at or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56kbps or better). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internal Connections services. Add additional lines if needed.

**Service or Function:****Quantity and/or Capacity:**

LAN Maintenance Agreement

All eRate eligible servers, switches, Wireless Aps, UPS units, back up drives ? 650 hours of on-site support (all buildings)

Wire & Cable Maintenance

All voice & data cabling (all buildings)

Telephone System Maintenance Agreement

up to 3 yrs ? not front loaded: 1 Definity, 1-Intuity Audix and 9 EPN locations

Extended Warranties

2-WatchGuard Firebox 4500 Firewall hardware and software; 12- SmartNet 8x5xNext Business Day for 6509; 82 Smartnet 8x5xNext Business

CODEC (Distance Learning Unit)	Day for 3750 CODEC plus cabinet install, configure, warranty (SONY PCS-1/IP, equivalent or better; ISDN/IP ready; interoperable with existing equipment and transport)
MCU	8 sites or better
PVBX	30 nodes, design, install, 1 yr. Maintenance (48 hrs on-site)
Video/Media Distribution	multiple source 50 node or better
Wireless LAN	33 areas (48 APs + install) 802.11b compliant or better
Wireless Cards	802.11b compliant or better
UPS	12-APC SmartUPS 3000VA RM equivalent or better

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:

Martin Friedman

Title:

Consultant

Telephone number

(610) 999 - 9935

Fax number

(610) 353 - 1005

E-mail Address

friedman@alemarconsultant.com

12. ☒ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide Web address where they are posted and a contact name and telephone number for service providers without Internet access.

Please obtain bidder's information packet from contact person in item #11.

13. If you intend to enter into a multi-year contract based on this posting or a contract featuring an option for voluntary extensions you may provide that information below. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely timeframes).

### Block 3: Technology Assessment

14. ☐ Basic telephone service only: If your application is for basic local and long distance telephone service (wireline or wireless) only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You

FCC Form

Approval by OMB  
3060-0806**470****Schools and Libraries Universal Service  
Description of Services Requested  
and Certification Form**

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

**Block 1: Applicant Address and Identifications**

Form 470 Application Number: 721860000508241

Applicant's Form Identifier: ACSDY8.2

Application Status: CERTIFIED

Posting Date: 11/09/2004

Allowable Contract Date: 12/07/2004

Certification Received Date: 11/09/2004

**1. Name of Applicant:**

ATLANTIC CITY BVE-ADMIN

**2. Funding Year:**

07/01/2005 - 06/30/2006

**3. Your Entity Number**

123420

**4a. Applicant's Street Address, P.O.Box, or Route Number**

1300 ATLANTIC AVENUE, 5TH FLOOR

City

ATLANTIC CITY

State

NJ

Zip Code

08401

**b. Telephone number**

(609) 343- 7200

**c. Fax number**

(609) 343- 1413

**d. E-mail Address****5. Type Of Applicant**

- ☐ Individual School (individual public or non-public school)
- ☐ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)
- ☐ Library (including library system, library branch, or library consortium applying as a library)
- ☐ Consortium (intermediate service agencies, states, state networks, special consortia)

**6a. Contact Person's Name: Martin Friedman**

First, fill in every item of the Contact Person's information below that is different from Item 4, above. Then check the box next to the preferred mode of contact. (At least one box **MUST** be checked.)

**6b. Street Address, P.O.Box, or Route Number**

442 Lyndhurst Drive

City

Broomall

State

PA

Zip Code

19008-4146

6c. Telephone Number (610) 999- 9935

6d. Fax Number (610) 353- 1005

6e. E-mail Address [friedman@alemarconsulting.com](mailto:friedman@alemarconsulting.com)

### Block 2: Summary Description of Needs or Services Requested

#### 7 This Form 470 describes (check all that apply):

- a. ☐ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☐ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☐ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

**NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470.**

**What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.**

#### 8 ☐ Telecommunications Services

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

- a. ☐ YES, I have an RFP. It is available on the Web at or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.
- b. ☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed.

#### 9 ☐ Internet Access

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

- a. ☐ YES, I have an RFP. It is available on the Web at or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.



# USAC Schools & Libraries

## **Eligible Services List Schools and Libraries Support Mechanism For Fund Year 2005**

### **Overall Eligibility Requirements for All Categories of Service:**

The Eligible Services List indicates whether specific products or services may be able to receive discounts under the Schools and Libraries Support Mechanism. Eligibility for discounts requires the eligible use of eligible products or services by eligible entities at eligible locations for eligible purposes.

If a product or service is not eligible under program rules, it is labeled "Not Eligible." If no indication of ineligibility is provided, the product or service may be eligible, depending on details of its use. Conditions for eligibility are provided in this Eligible Services List, and in information provided in the [Reference Area of the SLD web site](#). In addition, some entries in this List include links to Special Eligibility Conditions that provide further information. These Special Eligibility Conditions appear at the end of this document.

**NOTE CONCERNING COMBINED PRIORITY 1 SERVICES:** Some service offerings provide a combination of Priority 1 services—including both Internet Access and Telecommunications. For example, a service provider may provide a combined offering of local phone service, long distance service, cellular service, and Internet access for one price. For administrative convenience, such a combined offering, if provided by an eligible telecommunications provider, may be requested in the Telecommunications category of service. Alternatively, funding may be requested as two separate requests for Telecommunications Services and Internet Access, with the price of the offering divided between the two requests.

This version of the Eligible Services List is dated October 5, 2004. Some eligibility information in this List is a change from prior years and applies to products and service funding requests for Funding Year 2005.

### **Eligibility Requirements for All Telecommunications Services:**

To be eligible for support, Telecommunications Services must be provided by an eligible telecommunications provider, that is, one who provides Telecommunications on a common carriage basis.

A telecommunications service is "the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used" [47 U.S.C. 153(46)]. Telecommunications is defined as "the transmission, between or among points specified by the user, of information of the user's choosing, without



change in the form or content of the information as sent and received" [47 U.S.C. 153(43)]. A State commission may upon its own motion or upon request designate a common carrier that meets the requirements as set forth in the Communications Act of 1934, Section 214 {47 U.S.C. 214}(e)(2) Designation of Eligible Telecommunications Carriers.

Eligibility in this category of service is for the procurement of Telecommunications Services, and not component purchases by applicants.

Please be aware that IP-enabled services are the subject of an open proceeding at the FCC to determine, among other things, whether certain types are telecommunications services. See *IP-Enabled Services*, Notice of Proposed Rulemaking, 19 FCC Rcd 4863 (2004).

<b>Product Type (Function)</b>	<b>Description</b>	<b>Eligibility</b>
800 Service (Telecommunications)	<p><b>Description:</b> 800 Service provides toll calling that is paid by the called party rather than the calling party. The name comes from the original Area Code used for all toll-free numbers. Current and future "800 Service" area codes use the convention 8NN, when N is a specific digit, for example 888, 877, and 866.</p> <p><b>Eligibility:</b> 800 Service is generally eligible for discount. However, the use of 800 service to access a school or library network for Internet access/data connectivity from an ineligible location (such as a home) is not eligible. Applicants who make available Internet access to eligible users via 800 Service must submit a certification that access will not be available from non-school or non-library sites.</p>	
900 / 976 Charges (Telecommunications)	<p><b>Description:</b> "900" is an area code used to reach a wide range of information providers. Examples of the information that may be provided via a 900 number are adult content programming, weather reports, lottery results, or caller voting for various topics such as television polls. 900 Service calls are charged to the party originating the call. Charges for accessing 900 calls are often included in the toll charges on the local telephone bill. 976 service provides a</p>	Not Eligible